

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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AVALON HOLDINGS CORP.,

Plaintiff,

v.

No. 18-cv-7291 (DLC) (RJL)

GUY GENTILE and
MINTBROKER INTERNATIONAL, LTD.,

Defendants.

ECF Case

Related to:

NEW CONCEPT ENERGY, INC.

Plaintiff,

v.

No. 18-cv-8896 (DLC) (RJL)

GUY GENTILE and
MINTBROKER INTERNATIONAL, LTD.,

Defendants.

ECF Case

REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE (LETTER ROGATORY)

The United State District Court for the Southern District of New York presents its compliments to the Appropriate Judicial Authority of the Commonwealth of the Bahamas and requests international judicial assistance to effectuate service (and, if necessary, enforcement) of a subpoena to compel one of its citizens to appear and give testimony before an official authorized to take oaths in the Bahamas for use in civil proceedings before this Court in the above-captioned matters.

This Court respectfully requests the assistance described herein as necessary in the interest of justice and requests that the below-named individual be interrogated as set out by the procedure described below:

WITNESS NAME: Stephen Darville

CONTACT INFORMATION: Mariner Hall, Sea Sky Lane,
Olde Towne, Sandyport,
Nassau, New Providence,
The Bahamas
AP-59223 – Slot #447
Steve.darville@gmail.com

I. FACTS OF THE CASE

MintBroker International Ltd. (“MintBroker”) is a named Defendant in two related lawsuits in the U.S. District Court for the Southern District of New York: *Avalon Holdings Corp. v. Guy Gentile, et al.*, 1:18-cv-07291 and *New Concept Energy, Inc. v. Guy Gentile, et al.* 1:18-cv-08896. At all times relevant, MintBroker has had its principal place of business in the Bahamas. Pursuant to an inquest on damages, Plaintiffs have sought the testimony of MintBroker’s former Information Technology Manager, Stephen Darville (a citizen of the Bahamas).

In April 2022, Darville provided remote access to certain MintBroker trade records to two forensic accountants. Those accountants calculated the amount of alleged short swing profits at issue, reaching a dramatically lower number than the \$14,488,375 damages award sought by Plaintiffs. Defendants seek to introduce those expert reports and related documents in the present damages inquest, but risk preclusion of that evidence if they are unable to produce Darville for deposition.

II. DEPOSITION PROCEDURE

As the preferred option, this Court requests that the Appropriate Judicial Authority of the Commonwealth of the Bahamas allow Plaintiffs' counsel, Miriam Tauber or David Lopez, to take the witness testimony as provided by Rule 30(b)(3) of the United States Federal Rules of Civil Procedure, and that counsel for the Defendants then be permitted to further examine the witness. In this manner, the testimony should be recorded by stenographic means. The testimony sought is expected to be delivered in English, but may be recorded with the assistance of an interpreter if necessary.

This Court expresses its willingness to provide similar assistance to the Appropriate Judicial Authority of the Commonwealth of the Bahamas under appropriate circumstances and in appropriate instances.

This Court is willing to assist the Appropriate Judicial Authority in the Commonwealth of the Bahamas for any reasonable and necessary costs incurred in executing this request of judicial assistance.

[insert: judicial seal]

Cc: Counsel of Record



**ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE
JUDGE**